

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

LISA ANN McKINLEY,

Plaintiff,

v.

THE SALVATION ARMY,

Defendant.

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Case No. 7:15-cv-00166

**PLAINTIFF'S MOTION FOR FINDING OF SPOILIATION AND FOR  
DEFENDANT TO SHOW CAUSE**

COMES NOW Plaintiff, Lisa Ann McKinley, by counsel, and provides this dual Motion for Finding of Spoliation and for Defendant to Show Cause why the Defendant should not be held in contempt. The Plaintiff has fashioned this as a dual Motion because of the interrelation between issues involved in the discovery process and for efficiency purposes. The factual and legal support for this Motion are included in a contemporaneously filed Brief.

WHEREFORE, Plaintiff respectfully requests the following relief:

- a. That the Court enter an order finding the Defendant to be in contempt of this Court's December 7, 2015 Order;
- b. That the Court enter an order compelling the Defendant to produce all materials to the Plaintiff as required by this Court's December 7, 2015 Order;
- c. That the Court enter an Order finding that the Defendant has caused of a spoliation of evidence in this matter;
- d. That the Court enter an order sanctioning the Defendant and providing Plaintiff's counsel with attorneys' fees related to the filing of these Motions; and
- e. Any and all such further relief as the Court deems equitable.

Respectfully Submitted,

By: /s/ Thomas E. Strelka  
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*Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of December, 2015, I electronic filed this pleading on the Courts CM/ECF filing systems which contemporaneously sends a Notice of Electronic Filing to:

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*Counsel for Defendant*

/s/ Thomas E. Strelka  
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